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OFFICE OF PETITIONS

In re Application of :
Matthew J. Sherman :
Application No. 10/045,980 : DECISION GRANTING PETITION
Filed: January 1, 2002 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2001-0027 :

This is a decision on the petition, filed November 14, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 23, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹


The address on the petition differs from the correspondence address of record. Accordingly, if appropriate, a change of address should be submitted if it is desired to receive correspondence at the address noted on the petition. A courtesy copy of this decision is being mailed to petitioner. However, until otherwise properly instructed, all future correspondence will be mailed solely to the above address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2665 for processing of the request for continued examination under 37 CFR 1.114 and for

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

consideration of the concurrently filed amendment and Information
Disclosure Statement.


Frances Hicks
Petitions Examiner
Office of Petitions

cc:

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